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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,014	11/07/2001	Kazuhiko Mishima	684.2436C1	4575
5514	7590	05/31/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			KIM, PETER B	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2851	
DATE MAILED: 05/31/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/986,014

Applicant(s)

MISHIMA, KAZUHIKO

Examiner

Peter B. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/782,141.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2005 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 19, 22, 23 and 25, the limitation of the signal system to increase and decrease the scan speed of the stages does not seem to be supported by the disclosure. Page 23, lines 11-17, seem to suggest that the speed is decreased not increased.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Taniguchi (5,841,520).

Taniguchi discloses a device manufacturing method and a scan type exposure apparatus, comprising: a first stage (RST) on which a first object (R) is to be placed; a second stage (WST) on which a second object (W) is to be placed; a projection optical system (PL) for projecting a pattern of the first object on to the second object; a scanning mechanism arranged to scaningly move said first and second stages in a timed relation with each other, relative to said projection optical system, while the pattern of the first object is projected by said projection optical system on to the second object (col. 23, line 17-33); and a signal system to store data corresponding to a change in an exposure condition in a storing means (56), wherein the change in the exposure condition is produced in response to scan motion of at least one of said first and second stages and in accordance with one of scan acceleration and scan speed, while scaningly moving at least one of the first and second stages (col. 39, line 37 – col. 43, line 45), said signal system further being systemized to control a drive of the first and second stages in an actual exposure process so as to compensate for a change in the exposure condition, while reflecting a correction value, as determined on the basis of the data stored to the driving of at least one of the first and second stages with respect to a focus error of the projected image (col. 44, line 66 – col. 46, line 29). Taniguchi also discloses drive control means (13) for changing a scan speed of at least one of the first and second stages on the basis of the stored data (col. 30, lines 22-53). Taniguchi also

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teaches measuring the data corresponding to the change in the exposure condition by obtaining data of a projected image of the first object being formed on the second object through the projection optical system with respect to deviation of the projected image of the pattern of the first object upon the second object (col. 1, lines 30-61).

### ***Response to Arguments***

Applicant argues that Taniguchi does not teach increasing of the scan speed. However, the instant application does not seem to teach increasing of the scan speed to compensate for a change in exposure condition. Taniguchi teaches in col. 30, lines 30-54, that optimum velocity is selected by measuring the image formation characteristics while changing scanning velocity. Although Taniguchi teaches decreasing the velocity, it also teaches selecting an optimum velocity which also includes increasing as well as decreasing of the scan speed.

Applicant argues that Fig. 6D and page 24, lines 9-24 of the specification provide support for increasing and decreasing the scan speed of the stage to compensate for a change. Page 24 simply states that the speed is “controlled,” it does not teach that speed is increased or decreased. Having the speed “controlled” as in the instant application seems to teach having the speed increased or decreased just as selecting the “optimum velocity” as taught by Taniguchi teaches having the speed increased or decreased.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter B. Kim whose telephone number is (571) 272-2120. The examiner can normally be reached on 8:00 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter B. Kim  
Primary Examiner  
Art Unit 2851

May 25, 2005